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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,659	04/09/2004	Jay Dittmer	3156.16US02	8783

24113 7590 02/08/2005

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/821,659

**Applicant(s)**

DITTMER ET AL.

**Examiner**

Alfred Joseph Wujciak III

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 and 19-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 13-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. <u>2/4/05</u> .                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/7/04</u> .  | 6) <input type="checkbox"/> Other: _____.                                   |

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### **DETAILED ACTION**

This is the first Office Action for the serial number 10/821,659, SECURE MOUNTING SYSTEM FOR OVERHEAD MOUNTED PROJECTOR, filed on 4/9/04.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 6/7/04 was filed after the mailing date of the filing date on 4/9/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5 and 9-18, drawn to subcombination, classified in class 248, subclass 323.
- II. Claims 6-8, drawn to combination, classified in class 70, subclass 164.
- III. Claims 19-24, drawn to subcombination, classified in class 70, subclass 164.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant

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case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination includes enclosure for protecting an object or device from theft. The subcombination has separate utility such as a suspense support for suspending an object or device from the ceiling.

Inventions III and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed the combination includes enclosure for protecting an object or device from theft. The subcombination has separate utility such as a suspense support for suspending an object or device from the ceiling.

During a telephone conversation with Brad Thorson on 2/4/05 a provisional election was made without traverse to prosecute the invention of group I (subcombination), claims 1-5 and 9-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-8 and 19-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-12 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said rocker portion" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claims 11-12 are rejected as depending on rejected claim 10.

Claim 18, line 1, "claim" should be changed to "clamp" for clarification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,551,658, Dittmer.

Dittmer teaches a mounting system (figure 1) comprising a device interface bracket (28) and a suspension member interface portion (18 and 16). The device interface bracket and the suspension member interface portion being secured together with at least one tamper resistant fastener/tamper resistant means (52). The device interface bracket includes a planar portion with a pair of spaced apart parallel flanges projecting upwardly from the planar portion. Each flange and suspension member interface portion are attached with at least one tamper resistant fastener

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(50). The system includes at least one suspension member (14). The suspension member and the suspension member interface portion are attached with at least one tamper resistant fastener/tamper resistant means (62). The suspension member is a pipe having a threaded portion and the suspension member interface portion has a threaded portion (figure 2, 60). The at least one tamper resistant fastener is a set screw threaded through the suspension member interface portion and contacting the threaded portion of the pipe. The device interface bracket includes an adapter plate (22) and the plate is attached to the planar portion with at least one tamper resistant fastener/tamper resistant means (40). The system further includes a projection device (20).

#### ***Allowable Subject Matter***

Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

In regard to claims 13-18, the prior art fails to teach the enclosure being attached to the mounting system with at least one tamper resistant fastener.

#### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 6,606,887 to Zimmer et al.

US Patent # 4,080,629 to Hammond et al.

US Patent # 4,964,606 to Beam et al.

US Patent # 5,938,161 to Takeuchi et al.

US Patent # 6,527,238 to Shental et al.

US Patent # 6,708,940 to Ligertwood

US Patent # 4,225,881 to Tovi

Zimmer et al., Hammond et al., Beam et al., Takeuchi et al., Shental et al., Ligertwood, and Tovi teach a suspense support for supporting an object from the ceiling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

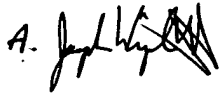
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read 'A. J. Wujciak III', with a stylized flourish at the end.

2/7/05